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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

FP HOLDINGS, L.C. d/b/a PALMS  
CASINO RESORT,

Plaintiff(s),

v.

ZURICH AMERICAN INSURANCE  
COMPANY,

Defendant(s).

2:12-CV-1823 JCM (NJK)

**ORDER**

Presently before the court is defendant Zurich American Insurance Company's motion to dismiss. (Doc. # 6). Plaintiff FP Holdings filed a response in opposition (doc. # 7), and defendant filed a reply (doc. # 8).

The motion became ripe while the case was before a different court in this district. Upon this case being reassigned to this court, the parties filed a motion to consolidate with another case before this court—*National Union Fire Insurance Company of Pittsburgh, PA v. Fiesta Palm LLC et al*, case number 2:11-cv-00598-JCM-GWF. The court granted the motion to consolidate.

After the consolidation occurred, the parties in the base case, 2:11-cv-00598-JCM-GWF, moved the court to stay the action pending the resolution of a case before the Nevada Supreme Court. This court granted the stay.

...

1 The stay now moots the pending motion to dismiss. The court denies the motion to dismiss  
2 without prejudice. The defendant in this case, Zurich American Insurance Company, may re-file its  
3 motion to dismiss after the stay is lifted in the base case 2:11-cv-00598-JCM-GWF.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Zurich  
6 American Insurance Company's motion to dismiss (doc. # 6) be, and the same hereby, is DENIED  
7 as moot.

8 DATED July 11, 2013.

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11 UNITED STATES DISTRICT JUDGE  
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